

REMARKS

Initially, Applicant wishes to thank Examiner Susan Chen for the time and courtesy afforded to Applicant's attorney, Mr. Burke, during the telephone discussion on July 16, 2007. Pursuant to that discussion, Applicant respectfully requests reconsideration of the rejection of Claims 1-11 and 20-30 under 35 U.S.C. §112 first paragraph on the basis of failing to comply with the written description requirements. Specifically, the Office Action took the position that the previously submitted (underlined) claim language

“aging said salary data utilizing at least one annual growth rate entered at the time of generating said report for at least a portion of said stored salary data”

is new matter and was not supported by the originally filed specification. To the contrary, this claim language, which had been discussed extensively during the personal interview on December 5, 2006 is fully supported by the originally filed specification. The Examiner's attention is respectfully directed to originally filed Figures 2 and 12. In the box labeled Reports Run, the second to last entry is “Annual Growth Rate Selected” thus, at the time the reports are generated, this drawing notes that an annual growth rate can be selected by the person running the report.

During the telephone interview, a possible discrepancy was noted between the drawing FIGURE 2 in Applicant's attorney's file and the FIGURE 2 being reviewed by

Examiner Susan Chen. For convenience, Applicant respectfully submits herewith a copy of FIGURES 1-21. Moreover, if any amendments to FIGURES 2 and 12 are required, support for the labeling of the boxes in FIGURES 2-16 can also be found in the BRIEF DESCRIPTION OF THE DRAWINGS on pages 4-5 of the specification.

At the Examiner's suggestion, Applicant has changed the word "entered" to "selected" in order to more closely track the language in the drawings.

In summary, Applicant's originally filed specification clearly supports Applicant's Amendment to the claims, namely the limitation of "utilizing at least one annual growth rate selected at the time of generating said report".

With respect to the rejection under 35 U.S.C. §103, the limitation at issue is the fourth step of Applicant's claimed method which now reads, in full:

"aging at least a portion of said salary data utilizing at least one annual growth rate selected at the time of generating said report for at least a portion of said stored salary data;"

The previous Office Action concedes that the combination of the '993 and '079 references do not specifically disclose utilizing "at least one annual growth rate entered at the time of generating said report". The Office Action goes on to rely upon the '770 patent for the teaching of this claim limitation. The '770 patent is not directed to a salary

survey but is a financial forecasting model. The reliance upon the '770 patent to Erwin et al. is misplaced. The '770 patent does not teach or suggest aging salary data, and has no relation to aging salary data collected in a salary survey.

Applicant has made other amendments which were suggested by the Examiner during the discussion on July 16, 2007. Support for the use of the Examiner's suggested term "companies" rather than "members," and the use of "job positions" can be found on page 3, lines 10-16. This portion of Applicant's originally filed specification also supports the present amendments to independent claims 12 and 20.

CONCLUSION

In light of the present amendment, Applicant respectfully submits that all of the claims are now in condition for allowance. If the Examiner has any questions or comments which might expedite the prosecution of the present application, she is respectfully requested to contact Applicant's attorney at the phone number set forth below.

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Respectfully submitted,



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Enclosure: RCE Transmittal form
FIGURES 1-21
PTO-2038 form for \$620.00
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